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Letter dated 21 April 2004 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the pleasure to report to you on a statement by our Leader, Muammar Qaddafi, in which he called upon the Libyan Arab People to abolish the People's Court and other similar institutions (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under item 117 (a), (b) and (c) of the provisional agenda.

(*Signed*) Ahmed A. **Own**
Chargé d'affaires a.i.

04-32130 (E) 270404 270404

Annex to the letter dated 21 April 2004 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

Leader Muammar Qaddafi calls upon the Libyan People to abolish the People's Court and other similar institutions

In his meeting with law, justice and prosecution officials, Colonel Muammar Qaddafi called on the Libyan people to abolish the exceptional People's Court and other similar institutions as well as the criminal laws promulgated by the Revolution Command Council before the establishment of the People's Authority and to put normal procedural and criminal laws back into force.

He requested the holding of a final inquiry into Abu Salim prison and demanded a halt to all legal measures such as arrest without a warrant from the office of the public prosecutor and extrajudicial punishment, if such violations existed.

He said that it was not permissible to prevent any detainee or prisoner from being visited by his relatives or his lawyer and that such detainees and prisoners had the right to choose a lawyer from outside people's legal aid if they wished. They should continue to be allowed to leave the prison and visit their families on social occasions and holidays.

He asked the Libyan people to ratify the conventions against torture immediately, strongly criticizing Governments that had not ratified those conventions and States that engaged in oppressive measures against detainees and failed to bring to justice police or prison employees who practised such measures.

He expressed deep regret at the cruel acts committed by Governments throughout the world against their own nationals and against foreigners, as described in the reports of Amnesty International, which he reviewed for those present. He called upon the People's Committees for Justice in Libya to cooperate with Amnesty International and human rights organizations, whose efforts he praised.

He also called upon Libya to play a world leadership role in defending human rights, since it was the world's first country founded on the interests of the masses, the authority of the people and the jamahiriya system for all men and women.

Legislation promulgated by the Revolution was necessary at the time

Penal and procedural legislation enacted in the early stages of the Revolution was needed during that period and was accompanied by measures that may have been harsh. At the time they were considered temporary and exceptional, like wartime conditions. He pointed out that such measures could not be deemed permanent and must be re-examined, for their time had passed.

He added that at the start of the Revolution the wish was for Libya, through its international theses and its participation in the movement for the liberation of peoples, to be a model of freedom and popular democracy. Unfortunately, however, that had not happened, for Libya had joined the list of traditional States. That was regrettable, because the Libyans were not like that. Libya had come to be ranked thus because it was in a third-world region accused of all sorts of evils.

The world did not distinguish between a coup d'état and what happened in Libya

He pointed out that the world did not distinguish between the military coups carried out by generals in the third world and what happened in Libya in 1969.

He emphasized that what happened in Libya was a popular revolution with its own ideology and theoretical and practical programme; the revolution in Libya was a reaction and a correction to the approach adopted in the third world.

Parties and the party system are passé

He stressed that parties and party politics were out of date in today's world since it had become clear that they were unable to solve the political, social and economic problems with which every country in the world was seething.

He pointed out that political parties all over the globe had demonstrated their inability to solve the problems of all societies. In fact, the leaders of ruling parties in many countries had taken it upon themselves to take decisions single-handedly on issues of importance to the masses, such as the declaration of war. He mentioned that the masses had begun demonstrating in the streets of cities throughout the world, pointing an accusing finger at the party system and the misery, hardship and unemployment that it had inflicted on them.

He stated that in the modern world, with its many new developments, there was no room for the old partisan forms and that rule by a single party, a single individual or a family were time-worn, for the modern age was the age of the masses, the age of the power of the people.

The performance of religious practices is a right guaranteed by all the world's constitutions

He stated that the performance of religious practices was a right guaranteed by all the world's constitutions and social systems, provided that it did not impair the freedom of the community, give rise to any discrimination within it or undermine its social institutions.

He emphasized that sectarianism and factionalism in Islam were a heretical innovation, for the religion of Islam was one, any other rites, signs or distinctions not being permitted, because they undermined the social institutions of the community.

Capital punishment is a violation of international standards

The Leader of the Revolution stated that the United States of America continued to violate international standards inasmuch as it made use of capital punishment, including the execution of persons aged less than 18 years. He pointed out that death sentences had been carried out in a total of 820 persons in United States during the year 2000. He also mentioned the excessive use of force by police and prison officials in the United States and the subjection of prisoners and detainees to beatings and electric shocks.

He further pointed out that during 2002 more than 100 persons had been executed in Japan out of a larger number who had been sentenced to death. The Japanese authorities, he said, had begun executing death sentences in secret and

citizens were actually prevented from seeing their relatives in the final moments of their lives.

World constitutions incriminate the subversion of social institutions

Mr. Qaddafi mentioned that all legal systems considered as criminal anyone who attempted to undermine the political system of his community and held him answerable under the law.

He said that there was legislation throughout the world against anyone who tried to undermine the social system or to destroy any of its cornerstones under any pretext whatsoever, such as freedom of expression, for example, and that the laws of States that advocated democracy contained provisions for the punishment of their citizens should they attempt to undermine the system prevailing in the country.

As an example of this, he referred to the possibility of tightened surveillance of anyone who violated the laws of his country. This was true, for example, of the constitutions of France, Germany and other countries, where laws permitted interference with the freedom of any individual who constituted a threat to the social establishment in his country, the examination of personal letters and messages sent or received by him, listening in on his telephone conversations, etc. The primary purpose of all the laws passed was to maintain the system approved by the society and prevent any violation of it.

He mentioned that many countries of the world rejected and opposed the establishment of extremist and fascist parties, as in the case of France and Austria, because their constitutions viewed such parties as detracting from or conflicting with their social systems and institutions or as detrimental to the tranquillity of their peoples.

No prisoners of opinion in Libya

He stated that in Libya there were no prisoners of opinion, prisoners of conscience or political prisoners. In Libya, he said, one expressed one's opinion in the People's Congress. If the Congress was pleased with it, it would be presented to the 400 other Congresses for discussion. And if those 400 Congresses approved it, it would become law, while if they rejected it, it would not. Hence there could be no prisoner of opinion in Libya.

He pointed out that in the first month or two following the Revolution there were people who began to devise plots and were imprisoned. However, they were released, despite the fact that some of them had been sentenced to death or to life imprisonment.

He said that Libyans would not permit anyone to fill them with doubts about their doctrine, to outbid them or to form a party so as to come into power, control people and become an agent of a foreign entity. Anyone who tried to undermine the spiritual aspect of Libyan society would not be permitted to do so. A severe penalty would be imposed on him, up to and including death, because the Great Green Document on Human Rights in the Age of the Masses prescribed the death penalty for anyone whose existence posed a danger to others.

Amnesty International has asked Libya to play a role in promoting human rights in the world

The Leader announced that Amnesty International, just as it focused on human rights issues in Libya, was interested in the contribution that Libya might make to the strengthening of international and regional institutions.

The President of the organization had requested him to have Libya play a role in promoting human rights in the world, indicating that in order to play that role, Libya would have to eliminate certain criticisms levelled against it, such as the fact that it had not signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Libya should be the first to sign that Convention because it was the leader of a world revolution — a revolution that heralded liberation; that would end tyranny and exploitation; that preached that the foundation of the rights of human beings was to determine their own destiny, to have no one controlling them and to rule themselves without any intermediary, proxy, government or president.

Referring to the question of freedom of expression in Western societies, Mr. Qaddafi said that an employee or labourer who was dismissed from work would be allowed to demonstrate and would be told, "Now you're exercising your right to freedom of expression". Such freedom, however, was ludicrous, because the worker had been expelled from his job and robbed of the fruits of his labour. Yet the fruits of his efforts should not be stolen by anyone. Hence the expression "partners, not wage-earners", which meant "to each according to his efforts".